

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	CASE NO.
	§	
DEBTOR	§	
	§	
	§	
PLAINTIFF(S)	§	ADV. NO.
V.	§	
	§	
DEFENDANT(S)	§	

STANDARD
JOINT PRETRIAL ORDER

In conformance with Local Bankruptcy Rule 7016, and Rule 6 of the Local Rules of the District Court, Counsel shall prepare and file a JOINT PRETRIAL ORDER setting forth the matters discussed below. Plaintiff is responsible for filing the jointly prepared Pretrial Order. All counsel are instructed to cooperate in its preparation.

The Joint Pretrial Order shall contain:

I.
STATEMENT OF THE CASE

Short concise statement of the case, for the convenience of the Court.

II.
JURISDICTION

Indicate here any jurisdictional questions; state if core or noncore. If noncore, the parties must all state whether they consent to entry of final orders of judgment by the Bankruptcy Judge.

III.
MOTIONS

List all pending motions.

IV.
CONTENTIONS OF PARTIES

State concisely in separate paragraphs what each party claims.

V.
ADMISSIONS OF FACT

List all facts which have been stipulated and admitted and require no proof.

VI.
CONTESTED ISSUES OF FACT

List all factual issues in controversy necessary to the final disposition of this case.

VII.
AGREED APPLICABLE PROPOSITIONS OF LAW

Legal propositions not in dispute.

VIII.
CONTESTED ISSUES OF LAW

State briefly the issues of law in dispute. Memoranda of authorities on each or all issues shall be filed by litigants on or before time of pretrial conference.

IX.
EXHIBITS

An Exhibit List (see Local Bankruptcy Rule Form 9) numbering and briefly describing all exhibits to be offered in evidence or referred to in trial shall be attached to the Joint Pretrial Order. All exhibits must be marked by the parties for identification prior to trial, designating such exhibits by the name of the offering party followed by an exhibit number. (For example "Plaintiff's Exhibit 1"). ALL EXHIBITS OFFERED AT TRIAL WILL BE ADMITTED INTO EVIDENCE BY AGREEMENT OF COUNSEL except those exhibits specifically disputed in the Joint Pretrial Order.

Counsel for all parties are ordered to confer at their earliest convenience for the purpose of arriving at all possible stipulations and for the exchange of documents which will be

offered in evidence at the trial. Any documents or physical evidence not listed in the Joint Pretrial Order and/or produced to opposing counsel prior to the pretrial conference date will be inadmissible for any purposes during trial, except upon motion and leave of court. This shall not apply to rebuttal exhibits which cannot be anticipated.

X.
WITNESSES

Each party should list the names and addresses of all witnesses expected to be called during trial with a brief statement of what facts are expected to be proved by each witness. Counsel are expected to stipulate to the qualifications of experts. Any inability to so stipulate must be set forth in the Pretrial Order and specifically brought to the Court's attention at Pretrial.

The proponent of a witness must state the amount to courtroom time needed for direct examination. The opponent must state the amount of courtroom time needed for cross examination of that witness.

Failure to provide any of the foregoing information shall result in counsel's inability to call or examine such witness for testimony at trial. This does not apply to rebuttal or impeachment witnesses.

XI.
SETTLEMENT

Report here prospects of settlement.

Counsel are expected to provide the Court with an analysis of those areas in dispute continuing to exist. Each side shall express a proposal for settlement.

XII.
ESTIMATED TRIAL TIME

A statement as to the estimated time to try the proceedings.

XIII.
ATTACHMENTS

Include the following REQUIRED attachments FOR EACH PARTY:

- a. Proposed findings of fact and conclusions of law, with supporting authorities in a memorandum of law.
- b. Exhibit Lists (2 copies);
- c. Objections to Exhibits (2 copies);

d. Witness Lists (2 copies);

Failure to obey this Order will result in Sanctions being imposed as authorized in Rule 16(b), Fed.R.Civ.P.

Counsel for Plaintiff

Counsel for Defendant

Counsel for Plaintiff

Counsel for Defendant

Signed this _____ day of _____, _____.

WILLIAM GREENDYKE
UNITED STATES BANKRUPTCY JUDGE